

## SCHEDULE 2

Rule 50(4)

### Modifications etc. (not altering text)

- C1** Sch. 1, Sch. 2 applied (with modifications) (30.12.2005) by [The Family Procedure \(Adoption\) Rules 2005 \(S.I. 2005/2795\)](#), [rule 5\(5\)](#)
- C2** Sch. 2 applied (with modifications) (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), [rule 33.1\(2\)](#) (with [rules 2.1](#), [33.1\(1\)](#))
- C3** Sch. 2 CCR Order 27 applied (with modifications) (22.4.2014) by [S.I. 2010/2955](#), [rules 33.19](#), [33.19A](#) (as substituted by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), [rules 1](#), [37](#) (with [rule 45](#)))

### Commencement Information

- I1** Sch. 2 in force at 26.4.1999, see [Signature](#)

## CCR ORDER 1

### CITATION, APPLICATION AND INTERPRETATION

#### Application of RSC to [<sup>F1</sup>County Court] proceedings

**Rule 6** Where by virtue of these rules or section 76 of the Act or otherwise any provision of the RSC is applied in relation to proceedings in [<sup>F2</sup>the County Court], that provision shall have effect with the necessary modifications and in particular—

- (b) any reference in that provision to a master, [<sup>F3</sup>District Judge] of the principal registry of the Family Division, the Admiralty [<sup>F4</sup>Registrar], or a [<sup>F3</sup>District Judge] or [<sup>F5</sup>Taxing Officer] shall be construed as a reference to the [<sup>F3</sup>District Judge] of the [<sup>F1</sup>County Court]; and
- (d) any reference in that provision to an office of the [<sup>F6</sup>Senior Courts] having the conduct of the business of a division or court or a district registry shall be construed as a reference to the [<sup>F7</sup>office of a County Court hearing centre].

### Textual Amendments

- F1** Words in Sch. 2 CCR Order 1 rule 6 substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [3\(a\)\(ii\)](#) (with [rule 25](#))
- F2** Words in Sch. 2 CCR Order 1 rule 6 substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [3\(a\)\(i\)](#) (with [rule 25](#))
- F3** Words in Sch. 2 CCR Order 1 rule 6 substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [3\(a\)\(iv\)](#) (with [rule 25](#))
- F4** Word in Sch. 2 CCR Order 1 rule 6(b) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [19\(a\)\(ii\)](#) (with [rule 25](#))
- F5** Words in Sch. 2 CCR Order 1 rule 6(b) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [19\(a\)\(i\)](#) (with [rule 25](#))
- F6** Words in Sch. 2 CCR Order 1 rule 6(d) substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), [rules 1\(2\)](#), [22](#)
- F7** Words in Sch. 2 CCR Order 1 rule 6(d) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [19\(b\)](#) (with [rule 25](#))

*Status: Point in time view as at 01/12/2017.*  
*Changes to legislation: There are currently no known outstanding effects for the*  
*The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

## CCR ORDER 3

### COMMENCEMENT OF PROCEEDINGS

#### Appeals to county court

<sup>F8</sup>Rule 6 .....

#### Textual Amendments

**F8** Sch. 2 CCR Order 3 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

## CCR ORDER 4

### VENUE FOR BRINGING PROCEEDINGS

#### Proceedings relating to land

<sup>F9</sup>Rule 3 .....

#### Textual Amendments

**F9** Sch. 2 CCR Order 4 rule 3 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(b)**

## <sup>F10</sup>CCR ORDER 5

### CAUSES OF ACTION AND PARTIES

#### Textual Amendments

**F10** Sch. 2 CCR Order 5 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(d)**

#### Representative proceedings

<sup>F10F11</sup>Rule 5 .....

#### Textual Amendments

**F11** Sch. 2 CCR Order 5 rules 5-8 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

#### Representation of person or class

<sup>F10F11</sup>Rule 6 .....

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

**Textual Amendments**

**F11** Sch. 2 CCR Order 5 rules 5-8 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

**Representation of estate where no personal representative**

<sup>F10F11</sup>**Rule 7** .....

**Textual Amendments**

**F11** Sch. 2 CCR Order 5 rules 5-8 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

**Proceedings against estates**

<sup>F10F11</sup>**Rule 8** .....

**Textual Amendments**

**F11** Sch. 2 CCR Order 5 rules 5-8 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

**Partners may sue and be sued in firm name**

<sup>F10</sup>**Rule 9** .....

**Defendant carrying on business in another name**

<sup>F10</sup>**Rule 10** .....

**Failure to proceed after death of party**

<sup>F10F12</sup>**Rule 12** .....

**Textual Amendments**

**F12** Sch. 2 CCR Order 5 rules 12-14 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

**Claim to money in court where change in parties after judgment**

<sup>F10F12</sup>**Rule 13** .....

**Textual Amendments**

**F12** Sch. 2 CCR Order 5 rules 12-14 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

*Status: Point in time view as at 01/12/2017.  
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The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

**Bankruptcy of claimant**

<sup>F10F12</sup>**Rule 14** .....

.....  
**Textual Amendments**  
**F12** Sch. 2 CCR Order 5 rules 12-14 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

**CCR ORDER 6  
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**Recovery of land**

<sup>F13</sup>**Rule 3** .....

.....  
**Textual Amendments**  
**F13** Sch. 2 CCR Order 6 rule 3 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Mortgage claim**

<sup>F14</sup>**Rule 5** .....

.....  
**Textual Amendments**  
**F14** Sch. 2 CCR Order 6 rule 5 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Mortgage claim—dwelling-house**

<sup>F15</sup>**Rule 5A** .....

.....  
**Textual Amendments**  
**F15** Sch. 2 CCR Order 6 rule 5A revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Hire-purchase**

<sup>F16</sup>**Rule 6** .....

.....  
**Textual Amendments**  
**F16** Sch. 2 CCR Order 6 rule 6 revoked (2.6.2003) by [The Civil Procedure \(Amendment No. 2\) Rules 2003 \(S.I. 2003/1242\)](#), rules 1, **7**

## CCR ORDER 7

### SERVICE OF DOCUMENTS

#### Recovery of land

<sup>F17</sup>Rule 15 .....

##### Textual Amendments

**F17** Sch. 2 CCR Order 7 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

#### Mortgage possession claims

<sup>F17</sup>Rule 15A .....

##### Textual Amendments

**F17** Sch. 2 CCR Order 7 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

## CCR ORDER 13

### APPLICATIONS AND ORDERS IN THE COURSE OF PROCEEDINGS

#### General provisions

<sup>F18</sup>Rule 1 .....

##### Textual Amendments

**F18** Sch. 2 CCR Order 13 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

## <sup>F19</sup>CCR ORDER 16

### TRANSFER OF PROCEEDINGS

##### Textual Amendments

**F19** Sch. 2 CCR Order 16 omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **20** (with rule 25)

#### Interpleader proceedings under execution

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*Status: Point in time view as at 01/12/2017.  
Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

**F20** CCR ORDER 19  
REFERENCE TO EUROPEAN COURT

**Textual Amendments**  
**F20** Sch. 2 CCR Order 19 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

**Making and transmission of order**

**F20** **Rule 15** .....

**F21** CCR ORDER 22  
JUDGMENTS AND ORDERS

**Textual Amendments**  
**F21** Sch. 2 CCR Order 22 omitted (6.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **38(a)** (with rule 41)

**Certificate of judgment**

**F21** **Rule 8** .....

**Variation of payment**

**F21** **Rule 10** .....

**Set-off of cross-judgments**

**F21** **Rule 11** .....

**Order of appellate court**

**F21** **Rule 13** .....

**F22** CCR ORDER 24  
SUMMARY PROCEEDINGS FOR THE RECOVERY OF LAND

**Textual Amendments**  
**F22** Sch. 2 CCR Order 24 omitted (6.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **38(b)** (with rule 41)

**Part I—Land**

**Proceedings to be by claim form**

<sup>F22</sup>**Rule 1** .....

**Witness statement or affidavit in support**

<sup>F22</sup>**Rule 2** .....

**Service of claim form**

<sup>F22</sup>**Rule 3** .....

**Application by occupier to be made a party**

<sup>F22</sup>**Rule 4** .....

**Hearing of claim**

<sup>F22</sup>**Rule 5** .....

**Warrant of possession**

<sup>F22</sup>**Rule 6** .....

**Setting aside order**

<sup>F22</sup>**Rule 7** .....

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<sup>F22</sup>**Rule 8** .....

**Conditions for interim possession order application**

<sup>F22</sup>**Rule 9** .....

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<sup>F22</sup>**Rule 10** .....

**Service of the notice of application**

<sup>F22</sup>**Rule 11** .....

**Consideration of the application**

<sup>F22</sup>**Rule 12** .....

*Status: Point in time view as at 01/12/2017.  
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The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

**Service and enforcement of the interim possession order**

<sup>F22</sup>**Rule 13** .....

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<sup>F22</sup>**Rule 14** .....

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<sup>F22</sup>**Rule 15** .....

<sup>F23</sup>**CCR ORDER 25**

**ENFORCEMENT OF JUDGMENTS AND ORDERS: GENERAL**

**Textual Amendments**  
<sup>F23</sup> **Sch. 2** CCR Order 25 omitted (6.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), rules 2(3), **38(c)** (with rule 41)

**Judgment creditor and debtor**

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<sup>F23</sup>**Rule 2** .....

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<sup>F23</sup>**Rule 3** .....

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<sup>F23</sup>**Rule 4** .....

**Provision of information**

<sup>F23</sup>**Rule 5** .....

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<sup>F23</sup>**Rule 5A** .....

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<sup>F23</sup>**Rule 6** .....



**Recording and giving information as to warrants and orders**

<sup>F23</sup>**Rule 7** .....

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<sup>F23</sup>**Rule 8** .....

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<sup>F23</sup>**Rule 9** .....

**Enforcing judgment between a firm and its members**

<sup>F23</sup>**Rule 10** .....

**Enforcement of High Court judgment**

<sup>F23</sup>**Rule 11** .....

**Enforcement of award of tribunal**

<sup>F23</sup>**Rule 12** .....

**Transfer to High Court for enforcement**

<sup>F23</sup>**Rule 13** .....

<sup>F24</sup>**CCR ORDER 26**

**WARRANTS OF EXECUTION, DELIVERY AND POSSESSION**

**Textual Amendments**

**F24** Sch. 2 CCR Order 26 omitted (6.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), rules 2(3), **38(d)** (with rule 41)

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<sup>F24</sup>**Rule 1** .....

**Execution of High Court judgment**

<sup>F24</sup>**Rule 2** .....

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<sup>F24</sup>**Rule 3** .....

*Status: Point in time view as at 01/12/2017.  
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The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

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<sup>F24</sup>**Rule 5** .....

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<sup>F24</sup>**Rule 6** .....

**Notice on levy**

<sup>F24</sup>**Rule 7** .....

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<sup>F24</sup>**Rule 8** .....

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<sup>F24</sup>**Rule 10** .....

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<sup>F24</sup>**Rule 13** .....

**Notification to foreign court of payment made**

<sup>F24</sup>**Rule 14** .....

**Order for private sale**

<sup>F24</sup>**Rule 15** .....

**Warrant of delivery**

<sup>F24</sup>**Rule 16** .....

**Warrant of possession**

<sup>F24</sup>**Rule 17** .....

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<sup>F24</sup>**Rule 18** .....

<sup>F25</sup>**CCR ORDER 27**  
**ATTACHMENT OF EARNINGS**

**Textual Amendments**

<sup>F25</sup> Sch. 2 CCR Order 27 omitted (6.4.2016) by virtue of [The Civil Procedure \(Amendment\) Rules 2016 \(S.I. 2016/234\)](#), rules 2, 22 (with rule 25)

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**Status:** Point in time view as at 01/12/2017.  
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The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

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# CCR ORDER 28

## JUDGMENT SUMMONSES

### [<sup>F26</sup>Definitions

**Rule A1.** In this Order—

- (a) “judgment creditor” means the person who has obtained or is entitled to enforce a judgment or order; and
- (b) “debtor” means the person against whom a judgment or order was given or made.]

#### Textual Amendments

**F26** Sch. 2 CCR Order 28 rule A1 inserted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **40(a)** (with rule 41)

### Application for judgment summons

**Rule 1.**—(1) An application for the issue of a judgment summons may be made to the [<sup>F27</sup>County Court hearing centre which serves the address where] the debtor resides or carries on business or, if the summons is to issue against two or more persons jointly liable under the judgment or order sought to be enforced, in the [<sup>F27</sup>County Court hearing centre which serves the address where] any of the debtors resides or carries on business.

(2) The judgment creditor shall make [<sup>F28</sup>the] application by filing a request in that behalf certifying the amount of money remaining due under the judgment or order, the amount in respect of which the judgment summons is to issue and that the whole or part of any instalment due remains unpaid.

[<sup>F29</sup>(3) The judgment creditor must file with the request all written evidence on which [<sup>F30</sup>the judgment creditor] intends to rely.]

#### Textual Amendments

**F27** Words in Sch. 2 CCR Order 28 rule 1(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(b)(i)** (with rule 25)

**F28** Word in Sch. 2 CCR Order 28 rule 1(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(b)(ii)** (with rule 25)

**F29** Sch. 2 CCR Order 28 rule 1(3) inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(a)**

**F30** Words in Sch. 2 CCR Order 28 rule 1(3) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(b)(iii)** (with rule 25)

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*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

#### Modifications etc. (not altering text)

- C4** Sch. 2 CCR Order 28 rule 1 excluded (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), [rule 33.18\(1\)](#) (with [rules 2.1, 33.1\(1\)](#))

#### [<sup>F31</sup>Description of parties

**Rule 1A.**—(1) This rule applies where the name or address of the judgment creditor or debtor as given in the request for the issue of a judgment summons differs from that person’s name or address in the judgment or order sought to be enforced.

(2) If the judgment creditor files a witness statement that satisfies the court officer that the name or address as given in the request is applicable to the person concerned, the judgment creditor or the debtor will be described in the judgment summons as “CD of [name and address as given in the request] suing [or sued] as AD of [name and address in the judgment or order]”.

#### Textual Amendments

- F31** Sch. 2 CCR Order 28 rule 1A inserted (6.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), [rules 2\(3\), 40\(b\)](#) (with [rule 41](#))

#### Mode of service

**Rule 2.**—(1) Subject to paragraph (2), a judgment summons shall be served personally on every debtor against whom it is issued.

(2) Where the judgment creditor or [<sup>F32</sup>the judgment creditor’s] solicitor gives a certificate for postal service in respect of a debtor residing or carrying on business [<sup>F33</sup>at an address which is served by the County Court hearing centre], [<sup>F34</sup>the judgment summons will], unless the [<sup>F35</sup>District Judge] otherwise directs, be served on that debtor by [<sup>F36</sup>... the court [<sup>F37</sup>sending it to the debtor] by first-class post at the address stated in the request for the judgment summons and, unless the contrary is shown, [<sup>F38</sup>the date of service is] deemed to be the seventh day after the date on which the judgment summons was sent to the debtor.

(3) Where a judgment summons has been served on a debtor in accordance with paragraph (2), no order of commitment shall be made against [<sup>F39</sup>the debtor] unless—

- (a) [<sup>F40</sup>the debtor] appears at the hearing; or  
 [<sup>F41</sup>(b) it is made under section 110(2) of the Act.]

[<sup>F42</sup>(4) The written evidence on which the judgment creditor intends to rely must be served with the judgment summons.]

#### Textual Amendments

- F32** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), [rules 1\(2\), 41\(a\)\(i\)](#)
- F33** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1, 21\(c\)\(i\)](#) (with [rule 25](#))
- F34** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), [rules 1\(2\), 41\(a\)\(ii\)](#)
- F35** Words in Sch. 2 CCR Order 28 substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1, 3\(a\)\(iv\)](#) (with [rule 25](#))

- F36** Words in Sch. 2 CCR Order 28 rule 2(2) omitted (1.10.2008) by virtue of The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **41(a)(iii)**
- F37** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **41(a)(iv)**
- F38** Words in Sch. 2 CCR Order 28 rule 2(2) substituted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **41(a)(v)**
- F39** Words in Sch. 2 CCR Order 28 rule 2(3) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **21(c)(ii)** (with rule 25)
- F40** Words in Sch. 2 CCR Order 28 rule 2(3)(a) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **21(c)(iii)** (with rule 25)
- F41** Sch. 2 CCR Order 28 rule 2(3)(b) substituted (25.3.2002) by The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015), rules 1(c), **39(b)(i)**
- F42** Sch. 2 CCR Order 28 rule 2(4) substituted (25.3.2002) by The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015), rules 1(c), **39(b)(ii)**

**Modifications etc. (not altering text)**

- C5** Sch. 2 CCR Order 28 rule 2 excluded (6.4.2011) by The Family Procedure Rules 2010 (S.I. 2010/2955), **rule 33.18(1)** (with rules 2.1, 33.1(1))
- C6** Sch. 2 CCR Order 28 rule 2 applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), arts. 1(2), 8(1)(2), **Sch. 2**

**Time for service**

**Rule 3.**—(1) [<sup>F43</sup>The judgment summons and written evidence must] be served not less than 14 days before the day fixed for the hearing.

(2) A notice of non-service [<sup>F44</sup>will] be sent pursuant to CPR rule [<sup>F45</sup>6.18] in respect of a judgment summons which has been sent by post under rule 2 (2) and has been returned to the court <sup>F46</sup>... undelivered.

(3) CPR rules 7.5 and 7.6 <sup>F47</sup>... apply, with the necessary modifications, to a judgment summons as they apply to a claim form.

**Textual Amendments**

- F43** Words in Sch. 2 CCR Order 28 rule 3(1) substituted (25.3.2002) by The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015), rules 1(c), **39(c)**
- F44** Word in Sch. 2 CCR Order 28 rule 3(2) substituted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **41(b)(i)(aa)**
- F45** Word in Sch. 2 CCR Order 28 rule 3(2) substituted (1.10.2008) by The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **41(b)(i)(bb)**
- F46** Word in Sch. 2 CCR Order 28 rule 3(2) omitted (1.10.2008) by virtue of The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **41(b)(i)(cc)**
- F47** Word in rule 3(3) omitted (1.10.2008) by virtue of The Civil Procedure (Amendment) Rules 2008 (S.I. 2008/2178), rules 1(2), **41(b)(ii)**

**Modifications etc. (not altering text)**

- C7** Sch. 2 CCR Order 28 rule 3(2) excluded (6.4.2011) by The Family Procedure Rules 2010 (S.I. 2010/2955), **rule 33.18(1)** (with rules 2.1, 33.1(1))

*Status: Point in time view as at 01/12/2017.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

## Enforcement of debtor's attendance

**Rule 4.**—(1) Order 27, rules 7B and 8, shall apply, with the necessary modifications, to an order made under section 110 (1) of the Act for the attendance of the debtor at an adjourned hearing of a judgment summons as they apply to an order made under section 23 (1) of the Attachment of Earnings Act 1971<sup>(1)</sup> for the attendance of the debtor at an adjourned hearing of an application for an attachment of earnings order.

[<sup>F48</sup>(1A) An order made under section 110(1) of the Act must be served personally on the judgment debtor.

(1B) Copies of—

- (a) the judgment summons; and
- (b) the written evidence,

must be served with the order.]

(2) At the time of service of the order there shall be paid or tendered to the debtor a sum reasonably sufficient to cover [<sup>F49</sup>the debtor's] expenses in travelling to and from the court, unless such a sum was paid <sup>F50</sup>... at the time of service of the judgment summons.

### Textual Amendments

**F48** Sch. 2 CCR Order 28 rule 4(1A)(1B) inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(d)**

**F49** Words in Sch. 2 CCR Order 28 rule 2(4) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(d)(i)** (with rule 25)

**F50** Words in Sch. 2 CCR Order 28 rule 2(4) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(d)(ii)** (with rule 25)

### [<sup>F51</sup>Evidence

**Rule 5.**—(1) No person may be committed on an application for a judgment summons unless—

- (a) the order is made under section 110(2) of the Act; or
- (b) the judgment creditor proves that the debtor—
  - (i) has or has had since the date of the judgment or order the means to pay the sum in respect of which [<sup>F52</sup>default has been made]; and
  - (ii) has refused or neglected or refuses or neglects to pay that sum.

(2) The debtor may not be compelled to give evidence.]

### Textual Amendments

**F51** Sch. 2 CCR Order 28 rule 5 substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), rules 1(c), **39(e)**

**F52** Words in Sch. 2 CCR Order 28 rule 5(1)(b)(i) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(e)** (with rule 25)

(1) 1971 c. 32; section 23(1) was amended by the Administration of Justice Act 1982 (c. 53), section 53(2).



**Modifications etc. (not altering text)**

- C8** Sch. 2 CCR Order 28 rule 5 excluded (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), [rule 33.18\(1\)](#) (with [rules 2.1](#), [33.1\(1\)](#))

**Suspension of committal order**

**Rule 7.**—(1) If on the hearing of a judgment summons a committal order is made, the [<sup>F53</sup>court] may direct execution of the order to be suspended to enable the debtor to pay the amount due.

(2) A note of any direction given under paragraph (1) shall be entered in the records of the court and notice of the suspended committal order shall be sent to the debtor.

(3) Where a judgment summons is issued in respect of one or more but not all of the instalments payable under a judgment or order for payment by instalments and a committal order is made and suspended under paragraph (1), the judgment or order shall, unless the [<sup>F54</sup>court] otherwise orders, be suspended for so long as the execution of the committal order is suspended.

(4) Where execution of a committal order is suspended under paragraph (1) and the debtor subsequently desires to apply for a further suspension, the debtor shall attend at or write to the court office and apply for the suspension [<sup>F55</sup>desired], stating the reasons for [<sup>F56</sup>the debtor's] inability to comply with the terms of the original suspension, and the court shall fix a day for the hearing of the application by the [<sup>F57</sup>court] and give at least 3 days' notice thereof to the judgment creditor and the debtor.

(5) The [<sup>F35</sup>District Judge] may suspend execution of the committal order pending the hearing of an application under paragraph (4).

**Textual Amendments**

- F35** Words in Sch. 2 CCR Order 28 substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [3\(a\)\(iv\)](#) (with [rule 25](#))
- F53** Word in Sch. 2 CCR Order 28 rule 7(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [21\(f\)\(i\)](#) (with [rule 25](#))
- F54** Word in Sch. 2 CCR Order 28 rule 7(3) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [21\(f\)\(ii\)](#) (with [rule 25](#))
- F55** Word in Sch. 2 CCR Order 28 rule 7(4) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [21\(f\)\(iii\)\(aa\)](#) (with [rule 25](#))
- F56** Words in Sch. 2 CCR Order 28 rule 7(4) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [21\(f\)\(iii\)\(bb\)](#) (with [rule 25](#))
- F57** Word in Sch. 2 CCR Order 28 rule 7(4) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), [rules 1](#), [21\(f\)\(iii\)\(cc\)](#) (with [rule 25](#))

**Modifications etc. (not altering text)**

- C9** Sch. 2 CCR Order 28 rule 7(1)(2) applied (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), [rule 33.18\(3\)](#) (with [rules 2.1](#), [33.1\(1\)](#), [33.16\(2\)\(3\)](#))
- C10** Sch. 2 CCR Order 28 rule 7(3) excluded (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), [rule 33.18\(1\)](#) (with [rules 2.1](#), [33.1\(1\)](#))

**New order on judgment summons**

**Rule 8.**—(1) Where on the hearing of a judgment summons, the [<sup>F58</sup>court] makes a new order for payment of the amount of the judgment debt remaining unpaid, there shall be included in the amount payable under the order for the purpose of any enforcement proceedings, otherwise than by

**Status:** Point in time view as at 01/12/2017.  
**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

judgment summons, any amount in respect of which a committal order has already been made and the debtor imprisoned.

(2) No judgment summons under the new order shall include any amount in respect of which the debtor was imprisoned before the new order was made, and any amount subsequently paid shall be appropriated in the first instance to the amount due under the new order.

**Textual Amendments**  
**F58** Word in Sch. 2 CCR Order 28 rule 8(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(g)** (with rule 25)

**Notification of order on judgment of High Court**

**Rule 9.**—(1) Notice of the result of the hearing of a judgment summons on a judgment or order of the High Court shall be sent by the <sup>F59</sup>[County Court] to the High Court.

<sup>F60</sup>(2) If a committal order or a new order for payment is made on the hearing, the office copy of the judgment or order filed in the <sup>F59</sup>[County Court] shall be deemed to be a judgment or order of the court in which the judgment summons is heard.]

**Textual Amendments**  
**F59** Words in Sch. 2 CCR Order 28 substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **3(a)(ii)** (with art. 25)  
**F60** Sch. 2 CCR Order 28 rule 9(2) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(c), **17** (with rule 24)

**Modifications etc. (not altering text)**  
**C11** Sch. 2 CCR Order 28 rule 9(1) applied (with modifications) (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), **rule 33.18(2)** (with rules 2.1, 33.1(1))  
**C12** Sch. 2 CCR Order 28 rule 9(2) excluded (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), **rule 33.18(1)** (with rules 2.1, 33.1(1))

**Costs on judgment summons**

**Rule 10.**—(1) No costs shall be allowed to the judgment creditor on the hearing of a judgment summons unless—

- (a) a committal order is made; or
  - (b) the sum in respect of which the judgment summons was issued is paid before the hearing.
- (2) Where costs are allowed to the judgment creditor,
- (a) there may be allowed—
    - (i) a charge of the judgment creditor’s solicitor for attending the hearing and, if the <sup>F61</sup>[court] so directs, for serving the judgment summons;
    - (ii) a fee to counsel if the court certifies that the case is fit for counsel;
    - (iii) any travelling expenses paid to the debtor, and
    - (iv) the court fee on the issue of the judgment summons;
  - (b) the costs may be fixed and allowed without detailed assessment under CPR Part 47.

<sup>F62</sup>(3) .....

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

**Textual Amendments**

- F61** Word in Sch. 2 CCR Order 28 rule 10(2)(a)(i) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **21(h)** (with rule 25)
- F62** Sch. 2 CCR Order 28 rule 10(3) omitted (25.3.2002) by virtue of The Civil Procedure (Amendment No. 5) Rules 2001 (S.I. 2001/4015), rules 1(c), **39(f)**

**Modifications etc. (not altering text)**

- C13** Sch. 2 CCR Order 28 rule 10 applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), arts. 1(2), 8(1)(2), **Sch. 2**

**Issue of warrant of committal**

**Rule 11.**—(1) A judgment creditor desiring a warrant to be issued pursuant to a committal order shall file a request in that behalf.

(2) Where two or more debtors are to be committed in respect of the same judgment or order, a separate warrant of committal shall be issued for each of them.

<sup>F63</sup>(3) .....

**Textual Amendments**

- F63** Sch. 2 CCR Order 28 rule 11(3) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **21(i)** (with rule 25)

**Notification to foreign court of part payment before debtor lodged in prison**

<sup>F64</sup>**Rule 12** .....

**Textual Amendments**

- F64** Sch. 2 CCR Order 28 rule 12 omitted (22.4.2014) by virtue of The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **21(j)** (with rule 25)

**Payment after debtor lodged in prison**

**Rule 13.**—(1) Where, after the debtor has been lodged in prison under a warrant of committal, payment is made of the sum on payment of which the debtor is to be discharged, then—

(a) if the payment is made to the court <sup>F65</sup>..., [<sup>F66</sup>the court officer] shall make and sign a certificate of payment and send it by post or otherwise to the gaoler;

<sup>F67</sup>(b) .....

(c) if the payment is made to the gaoler, [<sup>F68</sup>the gaoler] shall sign a certificate of payment and send the amount to the court which made the committal order.

(2) Where, after the debtor has been lodged in prison under a warrant of committal, payment is made of an amount less than the sum on payment of which the debtor is to be discharged, then subject to paragraph (3), paragraph (1)(a) and (b) shall apply with the substitution of references to a notice of payment for the references to a certificate of payment and paragraph (1)(c) shall apply with the omission of the requirement to make and sign a certificate of payment.

*Status: Point in time view as at 01/12/2017.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

(3) Where, after the making of a payment to which paragraph (2) relates, the balance of the sum on payment of which the debtor is to be discharged is paid, paragraph (1) shall apply without the modifications mentioned in paragraph (2).

#### Textual Amendments

- F65** Words in Sch. 2 CCR Order 28 rule 13(1)(a) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(k)(i)** (with rule 25)
- F66** Words in Sch. 2 CCR Order 28 rule 13(1)(a) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **68(a)**
- F67** Sch. 2 CCR Order 28 rule 13(1)(b) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(k)(ii)** (with rule 25)
- F68** Words in Sch. 2 CCR Order 28 rule 13(1)(c) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(k)(iii)** (with rule 25)

#### Discharge of debtor otherwise than on payment

**Rule 14.**—(1) Where the judgment creditor lodges with [<sup>F69</sup> court] a request that a debtor lodged in prison under a warrant of committal may be discharged from custody, [<sup>F69</sup> court] shall make an order for the discharge of the debtor in respect of the warrant of committal and the court shall send the gaoler a certificate of discharge.

(2) Where a debtor who has been lodged in prison under a warrant of committal desires to apply for <sup>F70</sup> ... discharge under section 121 of the Act, the application shall be made to the judge in writing and without notice showing the reasons why the debtor alleges that [<sup>F71</sup> the debtor] is unable to pay the sum in respect of which [<sup>F71</sup> the debtor] has been committed and ought to be discharged and stating any offer which [<sup>F71</sup> the debtor] desires to make as to the terms on which <sup>F70</sup> ... discharge is to be ordered, and Order 27, rule 8 (3) and (4), shall apply, with the necessary modifications, as it applies to an application by a debtor for <sup>F70</sup> ... discharge from custody under section 23 (7) of the Attachment of Earnings Act 1971(2).

(3) If in a case to which paragraph (2) relates the debtor is ordered to be discharged from custody on terms which include liability to re-arrest if the terms are not complied with, the [<sup>F72</sup> court] may, on the application of the judgment creditor if the terms are not complied with, order the debtor to be re-arrested and imprisoned for such part of the term of imprisonment as remained unserved at the time of discharge.

(4) Where an order is made under paragraph (3), a duplicate warrant of committal shall be issued, indorsed with a certificate signed by the court officer as to the order of the judge.

#### Textual Amendments

- F69** Word in Sch. 2 CCR Order 28 rule 14(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(l)(i)** (with rule 25)
- F70** Word in Sch. 2 CCR Order 28 rule 14(2) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(l)(ii)(aa)** (with rule 25)
- F71** Words in Sch. 2 CCR Order 28 rule 14(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(l)(ii)(bb)** (with rule 25)
- F72** Word in Sch. 2 CCR Order 28 rule 14(3) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **21(l)(iii)** (with rule 25)

(2) 1971 c. 32.

## CCR ORDER 29

### COMMITTAL FOR BREACH OF ORDER OR UNDERTAKING

#### Enforcement of judgment to do or abstain from doing any act

<sup>F73</sup> **Rule 1** .....

##### Textual Amendments

**F73** Sch. 2 CCR Order 29 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **19(a)** (with rule 20)

#### Undertaking given by party

<sup>F73</sup> **Rule 1A** .....

##### Textual Amendments

**F73** Sch. 2 CCR Order 29 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **19(a)** (with rule 20)

#### Solicitor's undertaking

<sup>F73</sup> **Rule 2** .....

##### Textual Amendments

**F73** Sch. 2 CCR Order 29 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **19(a)** (with rule 20)

#### Discharge of person in custody

<sup>F73</sup> **Rule 3** .....

##### Textual Amendments

**F73** Sch. 2 CCR Order 29 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **19(a)** (with rule 20)

## CCR ORDER 30

### GARNISHEE PROCEEDINGS

#### Attachment of debt due to judgment debtor

<sup>F74</sup> **Rule 1** .....

**Status:** Point in time view as at 01/12/2017.  
**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

**Application for order**

**F74** **Rule 2** .....

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

**Preparation, service and effect of order to show cause**

**F74** **Rule 3** .....

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

**Notice by deposit-taking institution denying indebtedness**

**F74** **Rule 5** .....

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

**Order where no notice given etc.**

**F74** **Rule 7** .....

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

**Directions where dispute as to notice under rule 5**

**F74** **Rule 8** .....

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

**Determination of liability in other cases**

<sup>F74</sup>**Rule 9** .....

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

**Transfer of proceedings**

<sup>F74</sup>**Rule 10** .....

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

**Discharge of garnishee**

<sup>F74</sup>**Rule 11** .....

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

**Money in court**

<sup>F74</sup>**Rule 12** .....

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by The Civil Procedure (Amendment No. 4) Rules 2001 (S.I. 2001/2792), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

**Costs of judgment creditor**

<sup>F74</sup>**Rule 13** .....

*Status: Point in time view as at 01/12/2017.*  
*Changes to legislation: There are currently no known outstanding effects for the*  
*The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

**Attachment of debt owed by firm**

<sup>F74</sup>**Rule 14** .....

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

**Powers of district judge**

<sup>F74</sup>**Rule 15** .....

**Textual Amendments**

**F74** Sch. 2 CCR Order 30 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

**CCR ORDER 31**

**CHARGING ORDERS**

**Application for charging order**

<sup>F75</sup>**Rule 1** .....

**Textual Amendments**

**F75** Sch. 2 CCR Order 31 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)

**Order on further consideration of application for charging order**

<sup>F75</sup>**Rule 2** .....

**Textual Amendments**

**F75** Sch. 2 CCR Order 31 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in [rule 24](#) and [S.I. 2001/4015](#), rules 1(c), **43(2)**)



**Effect of charging order etc.**

<sup>F75</sup>**Rule 3** .....

**Textual Amendments**

<sup>F75</sup> Sch. 2 CCR Order 31 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

**Enforcement of charging order by sale**

<sup>F75</sup>**Rule 4** .....

**Textual Amendments**

<sup>F75</sup> Sch. 2 CCR Order 31 revoked (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rule 1(c), **Sch. 5** (with savings in rule 24 and S.I. 2001/4015, rules 1(c), **43(2)**)

<sup>F76</sup>**CCR ORDER 33**  
**INTERPLEADER PROCEEDINGS**

**Textual Amendments**

<sup>F76</sup> Sch. 2 CCR Order 33 omitted (6.4.2014) by virtue of [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(3), **38(e)** (with rule 41)

**Part I Under Execution**

**Notice of claim**

<sup>F76</sup>**Rule 1** .....

**Reply to interpleader claim**

<sup>F76</sup>**Rule 2** .....

**Order protecting district judge**

<sup>F76</sup>**Rule 3** .....

**Issue of interpleader proceedings**

<sup>F76</sup>**Rule 4** .....

**Claim for damages**

<sup>F76</sup>**Rule 5** .....

*Status: Point in time view as at 01/12/2017.  
Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

**Part II— Otherwise than under Execution**

**Application for relief**

<sup>F76</sup>**Rule 6** .....

**Relief in pending claim**

<sup>F76</sup>**Rule 7** .....

**Relief otherwise than in pending claim**

<sup>F76</sup>**Rule 8** .....

**Payment into court etc.**

<sup>F76</sup>**Rule 9** .....

**Reply by interpleader claimant**

<sup>F76</sup>**Rule 10** .....

**Order barring interpleader claim etc.**

<sup>F76</sup>**Rule 11** .....

**CCR ORDER 34**

**PENAL AND DISCIPLINARY PROVISIONS**

**Issue and service of summons for offence under s.14, 92 or 124 of the Act**

<sup>F77</sup>**Rule 1** .....

**Textual Amendments**

<sup>F77</sup> Sch. 2 CCR Order 29 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **19(b)** (with rule 20)

**Committal under s.14, 92 or 118 of the Act**

<sup>F77</sup>**Rule 1A** .....

**Textual Amendments**

<sup>F77</sup> Sch. 2 CCR Order 29 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **19(b)** (with rule 20)

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

**Notice to show cause before or after fine under s.55 of the Act**

<sup>F77</sup>**Rule 2** .....

**Textual Amendments**

<sup>F77</sup> Sch. 2 CCR Order 29 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **19(b)** (with rule 20)

**Non-payment of fine**

<sup>F77</sup>**Rule 3** .....

**Textual Amendments**

<sup>F77</sup> Sch. 2 CCR Order 29 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **19(b)** (with rule 20)

**Repayment of fine**

<sup>F77</sup>**Rule 4** .....

**Textual Amendments**

<sup>F77</sup> Sch. 2 CCR Order 29 omitted (1.10.2012) by virtue of [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **19(b)** (with rule 20)

<sup>F78</sup>**CCR ORDER 35**

**ENFORCEMENT OF COUNTY COURT  
JUDGMENTS OUTSIDE ENGLAND AND WALES**

**Textual Amendments**

<sup>F78</sup> Sch. 2 CCR Order 35 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), **Sch. 10**

***Part I—Enforcement outside United Kingdom***

**Interpretation of Part I**

<sup>F78</sup>**Rule 1** .....

**Application under s.10 of the Act of 1933 for certified copy of county court judgment**

<sup>F78</sup>**Rule 2** .....

*Status: Point in time view as at 01/12/2017.  
Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

**Application under s.12 of the Act of 1982 for certified copy of county court judgment**

<sup>F78</sup>**Rule 3** .....

**Application under Article 54 of the Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters**

<sup>F78</sup>**Rule 3A.** .....

*Part II—Enforcement in other parts of the United Kingdom*

**Interpretation of Part II**

<sup>F78</sup>**Rule 4** .....

**Application for certificate of money provision**

<sup>F78</sup>**Rule 5** .....

**Application for certified copy of judgment containing non-money provision**

<sup>F78</sup>**Rule 6** .....

<sup>F79</sup>**CCR ORDER 37...**

**REHEARING, SETTING ASIDE AND APPEAL FROM DISTRICT JUDGE**

.....  
**Textual Amendments**  
<sup>F79</sup> [Sch. 2](#) CCR Order 37 revoked (2.12.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rule 1(b), [Sch. 10](#)

**Rehearing**

<sup>F79</sup>**Rule 1** .....

**Appeal from district judge**

<sup>F79</sup>**Rule 6** .....

**Imposition of terms and stay of execution**

<sup>F79</sup>**Rule 8** .....

## <sup>F80</sup>CCR ORDER 38

### COSTS

#### Textual Amendments

**F80** Sch. 2 CCR Order 38 revoked (1.4.2005) by [The Civil Procedure \(Amendment No. 4\) Rules 2004 \(S.I. 2004/3419\)](#), rules 1, **17(c)**

#### Fixed costs

<sup>F80</sup>**Rule 18** .....

## <sup>F80</sup>APPENDIX B

### PART I

<sup>F80</sup> ...

### <sup>F80</sup>Part II

#### Judgments

<sup>F80</sup> ...

### <sup>F80</sup>PART III

#### Miscellaneous Proceedings

<sup>F80</sup> ...

## CCR ORDER 39

### ADMINISTRATION ORDERS

#### Exercise of powers <sup>F81</sup> ...

**Rule 1** Any powers conferred on the court by Part VI of the Act, section 4 of the Attachment of Earnings Act 1971<sup>(3)</sup> or this Order may be exercised by [<sup>F82</sup>a judge of the County Court] or, in the circumstances mentioned in this Order, by the court officer.

(3) 1971 c. 32; section 4 was amended by the Insolvency Act 1976 (c. 60), section 13(2); and by the County Courts Act 1984 (c. 28), section 148(1), schedule 2, Part V, paragraph 40.

*Status: Point in time view as at 01/12/2017.*

*Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

#### Textual Amendments

- F81** Words in Sch. 2 CCR Order 39 rule 1 heading omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(b)(i)** (with rule 25)
- F82** Words in Sch. 2 CCR Order 39 rule 1 substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(b)(ii)** (with rule 25)

#### Request and list of creditors

**Rule 2.**—(1) A debtor who desires to obtain an administration order under Part VI of the Act shall file a request in that behalf [<sup>F83</sup>at the County Court hearing centre which serves the address where the debtor] resides or carries on business.

(2) Where on [<sup>F84</sup>... examination under [<sup>F85</sup>CPR Part 71], or otherwise, a debtor furnishes to the court on oath a list of [<sup>F84</sup>... creditors and the amounts [<sup>F86</sup>owed] to them respectively and sufficient particulars of [<sup>F84</sup>... [<sup>F87</sup>the debtor's] resources and needs, the court may proceed as if the debtor had filed a request under paragraph (1).

(3) Where a debtor is ordered to furnish a list under section 4 (1)(b) of the said Act of 1971, then, unless otherwise directed, the list shall be filed within 14 days after the making of the order.

#### Textual Amendments

- F83** Words in Sch. 2 CCR Order 39 rule 2(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(c)(i)** (with rule 25)
- F84** Word in Sch. 2 CCR Order 39 rule 2(2) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(c)(ii)(aa)** (with rule 25)
- F85** Words in Sch. 2 CCR Order 39 rule 2(2) substituted (25.3.2002) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(c), **19** (with rule 24)
- F86** Word in Sch. 2 CCR Order 39 rule 2(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(c)(ii)(bb)** (with rule 25)
- F87** Words in Sch. 2 CCR Order 39 rule 2(2) inserted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(c)(ii)(cc)** (with rule 25)

#### Verification on oath

**Rule 3** The statements in the request mentioned in rule 2 (1) and the list mentioned in rule 2 (3) shall be verified by the debtor on oath.

#### Orders made by the court officer

**Rule 5.**—(1) The question whether an administration order should be made, and the terms of such an order, may be decided by the court officer in accordance with the provisions of this rule.

(2) On the filing of a request or list under rule 2, the court officer may, if [<sup>F88</sup>the court officer] considers that the debtor's means are sufficient to discharge in full and within a reasonable period the total amount of the debts included in the list, determine the amount and frequency of the payments to be made under such an order ("the proposed rate") and—

- (a) notify the debtor of the proposed rate requiring [<sup>F89</sup>the debtor] to give written reasons for any objection [<sup>F90</sup>... to the proposed rate within 14 days of service of [<sup>F91</sup>that notification];
- (b) send to each creditor mentioned in the list provided by the debtor a copy of the debtor's request or of the list together with the proposed rate;

- (c) require any such creditor to give written reasons for any objection [<sup>F92</sup>the creditor] may have to the making of an administration order within 14 days of service of the documents mentioned in sub-paragraph (b) upon [<sup>F93</sup>the creditor].

Objections under sub-paragraph (c) may be to the making of an order, to the proposed rate or to the inclusion of a particular debt in the order.

(3) Where no objection under paragraph (2)(a) or (c) is received within the time stated, the court officer may make an administration order providing for payment in full of the total amount of the debts included in the list.

(4) Where the debtor or a creditor notifies the court of any objection within the time stated, the court officer shall fix a day for a hearing at which the [<sup>F94</sup>court] will decide whether an administration order should be made and the court officer shall give not less than 14 days' notice of the day so fixed to the debtor and to each creditor mentioned in the list provided by the debtor.

(5) Where the court officer is unable to fix a rate under paragraph (2) (whether because [<sup>F95</sup>the court officer] considers that the debtor's means are insufficient or otherwise), [<sup>F96</sup>the request shall be referred to the court].

(6) Where the [<sup>F97</sup>the court considers that it is] able to do so without the attendance of the parties, <sup>F98</sup>... the proposed rate providing for payment of the debts included in the list [<sup>F99</sup>may be fixed] in full or to such extent and within such a period as appears practicable in the circumstances of the case.

(7) Where the proposed rate is fixed under paragraph (6), paragraphs (2) to (4) shall apply with the necessary modifications as if the rate had been fixed by the court officer.

(8) Where the [<sup>F100</sup>court] does not fix the proposed rate under paragraph (6), [<sup>F101</sup>it will] direct the court officer to fix a day for a hearing at which the [<sup>F100</sup>court] will decide whether an administration order should be made and the court officer shall give not less than 14 days' notice of the day so fixed to the debtor and to each creditor mentioned in the list provided by the debtor.

(9) Where an administration order is made under paragraph (3), the court officer may exercise the power of the court under section 5 of the Attachment of Earnings Act 1971 to make an attachment of earnings order to secure the payments required by the administration order.

#### Textual Amendments

- F88** Words in Sch. 2 CCR Order 39 rule 5(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\), rules 1, 22\(d\)\(i\)](#) (with rule 25)
- F89** Words in Sch. 2 CCR Order 39 rule 5(2)(a) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\), rules 1, 22\(d\)\(ii\)\(aa\)](#) (with rule 25)
- F90** Words in Sch. 2 CCR Order 39 rule 5(2)(a) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\), rules 1, 22\(d\)\(ii\)\(bb\)](#) (with rule 25)
- F91** Words in Sch. 2 CCR Order 39 rule 5(2)(a) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\), rules 1, 22\(d\)\(ii\)\(cc\)](#) (with rule 25)
- F92** Words in Sch. 2 CCR Order 39 rule 5(2)(c) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\), rules 1, 22\(d\)\(iii\)\(aa\)](#) (with rule 25)
- F93** Words in Sch. 2 CCR Order 39 rule 5(2)(c) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\), rules 1, 22\(d\)\(iii\)\(bb\)](#) (with rule 25)
- F94** Word in Sch. 2 CCR Order 39 rule 5(4) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\), rules 1, 22\(d\)\(iv\)](#) (with rule 25)
- F95** Words in Sch. 2 CCR Order 39 rule 5(5) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\), rules 1, 22\(d\)\(v\)\(aa\)](#) (with rule 25)
- F96** Words in Sch. 2 CCR Order 39 rule 5(5) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\), rules 1, 22\(d\)\(v\)\(bb\)](#) (with rule 25)

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

- F97** Words in Sch. 2 CCR Order 39 rule 5(6) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(d)(vi)(aa)** (with rule 25)
- F98** Words in Sch. 2 CCR Order 39 rule 5(6) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(d)(vi)(bb)** (with rule 25)
- F99** Words in Sch. 2 CCR Order 39 rule 5(6) inserted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(d)(vi)(cc)** (with rule 25)
- F100** Word in Sch. 2 CCR Order 39 rule 5(8) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(d)(vii)(aa)** (with rule 25)
- F101** Words in Sch. 2 CCR Order 39 rule 5(8) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(d)(vii)(bb)** (with rule 25)

### Notice of objection by creditor

**Rule 6.**—(1) Any creditor to whom notice has been given under rule 5 (8) and who objects to any debt included in the list furnished by the debtor shall, not less than 7 days before the day of hearing, give notice of [<sup>F102</sup>that] objection, stating the grounds thereof, to the court officer, to the debtor and to the creditor to whose debt [<sup>F103</sup>the objection is made].

(2) Except with the permission of the court, no creditor may object to a debt unless [<sup>F104</sup>that creditor has given notice of the] objection under paragraph (1).

### Textual Amendments

- F102** Word in Sch. 2 CCR Order 39 rule 6(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(e)(i)(aa)** (with rule 25)
- F103** Words in Sch. 2 CCR Order 39 rule 6(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(e)(i)(bb)** (with rule 25)
- F104** Words in Sch. 2 CCR Order 39 rule 6(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(e)(ii)** (with rule 25)

### Procedure on day of hearing

**Rule 7** On the day of the hearing—

- (a) any creditor, whether or not <sup>F105</sup>... mentioned in the list furnished by the debtor, may attend and prove [<sup>F106</sup>their] debt or, subject to rule 6, object to any debt included in that list;
- (b) every debt included in that list shall be taken to be proved unless it is objected to by a creditor or disallowed by the court or required by the court to be supported by evidence;
- (c) any creditor whose debt is required by the court to be supported by evidence shall prove [<sup>F107</sup>that] debt;
- (d) the court may adjourn proof of any debt and, if it does so, may either adjourn consideration of the question whether an administration order should be made or proceed to determine the question, in which case, if an administration order is made, the debt, when proved, shall be added to the debts scheduled to the order;
- (e) any creditor whose debt is admitted or proved, and, with the permission of the court, any creditor the proof of whose debt has been adjourned, shall be entitled to be heard and to adduce evidence on the question whether an administration order should be made and, if so, in what terms.



#### Textual Amendments

- F105** Words in Sch. 2 CCR Order 39 rule 7(a) omitted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(f)(i)(aa)** (with rule 25)
- F106** Word in Sch. 2 CCR Order 39 rule 7(a) substituted (22.4.2014) by virtue of [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(f)(i)(bb)** (with rule 25)
- F107** Word in Sch. 2 CCR Order 39 rule 7(c) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(f)(ii)** (with rule 25)

#### Direction for order to be subject to review

**Rule 8.**—(1) The court may, on making an administration order or at any subsequent time, direct that the order shall be subject to review at such time or at such intervals as the court may specify.

(2) Where the court has directed that an administration order shall be subject to review, the court officer shall give to the debtor and to every creditor who appeared when the order was made not less than 7 days' notice of any day appointed for such a review.

(3) Nothing in this rule shall require the court officer to fix a day for a review under rule 13A.

#### Service of order

**Rule 9** Where an administration order is made, the court officer shall send a copy to—

- (a) the debtor;
- (b) every creditor whose name was included in the list furnished by the debtor;
- (c) any other creditor who has proved [<sup>F108</sup>their] debt; and
- (d) every other court in which, to the knowledge of the [<sup>F109</sup>court], judgment has been obtained against the debtor or proceedings are pending in respect of any debt scheduled to the order.

#### Textual Amendments

- F108** Word in Sch. 2 CCR Order 39 rule 9(c) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(g)(i)** (with rule 25)
- F109** Word in Sch. 2 CCR Order 39 rule 9(d) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(g)(ii)** (with rule 25)

#### Subsequent objection by creditor

**Rule 10.**—(1) After an administration order has been made, a creditor who has not received notice under rule 5 and who wishes to object to a debt scheduled to the order, or to the manner in which payment is directed to be made by instalments, shall give notice to the court officer of [<sup>F110</sup>that] objection and of the grounds thereof.

(2) On receipt of such notice the court shall consider the objection and may—

- (a) allow it;
- (b) dismiss it; or
- (c) adjourn it for hearing on notice being given to such persons and on such terms as to security for costs or otherwise as the court thinks fit.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

(3) Without prejudice to the generality of paragraph (2), the court may dismiss an objection if it is not satisfied that the creditor gave notice of it within a reasonable time of <sup>F111</sup>the creditor becoming aware of the administration order.

#### Textual Amendments

**F110** Word in Sch. 2 CCR Order 39 rule 10(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(h)(i)** (with rule 25)

**F111** Words in Sch. 2 CCR Order 39 rule 10(3) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(h)(ii)** (with rule 25)

#### Subsequent proof by creditor

**Rule 11.**—(1) Any creditor whose debt is not scheduled to an administration order, and any person who after the date of the order became a creditor of the debtor, shall, if <sup>F112</sup>that creditor wishes to prove <sup>F113</sup>that debt, send particulars of <sup>F114</sup>the claim to the court officer, who shall give notice of it to the debtor and to every creditor whose debt is so scheduled.

(2) If neither the debtor nor any creditor gives notice to the court officer, within 7 days after receipt of notice under paragraph (1), that <sup>F115</sup>they object to the claim, then, unless it is required by the court to be supported by evidence, the claim shall be taken to be proved.

(3) If the debtor or a creditor gives notice of objection within the said period of 7 days or the court requires the claim to be supported by evidence, the court officer shall fix a day for consideration of the claim and give notice of it to the debtor, the creditor by whom the claim was made and the creditor, if any, making the objection, and on the hearing the court may either disallow the claim or allow it in whole or in part.

(4) If a claim is taken to be proved under paragraph (2) or allowed under paragraph (3), the debt shall be added to the schedule to the order and a copy of the order shall then be sent to the creditor by whom the claim was made.

#### Textual Amendments

**F112** Words in Sch. 2 CCR Order 39 rule 11(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(i)(aa)** (with rule 25)

**F113** Word in Sch. 2 CCR Order 39 rule 11(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(i)(bb)** (with rule 25)

**F114** Word in Sch. 2 CCR Order 39 rule 11(1) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(i)(cc)** (with rule 25)

**F115** Words in Sch. 2 CCR Order 39 rule 11(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **22(i)(ii)** (with rule 25)

#### Permission to present bankruptcy petition

**Rule 12** An application by a creditor under section 112 (4) of the Act<sup>(4)</sup> for permission to present or join in a bankruptcy petition shall be made on notice to the debtor in accordance with CPR Part 23, but the court may, if it thinks fit, order that notice be given to any other creditor whose debt is scheduled to the administration order.

<sup>(4)</sup> Section 112 was amended by the Insolvency Act 1985 (c. 65), section 220(2).

## Conduct of order

**Rule 13.**—(1) The court manager or such other officer of the court as the court making an administration order shall from time to time appoint shall have the conduct of the order and shall take all proper steps to enforce the order (including exercising the power of the court under section 5 of the Attachment of Earnings Act 1971 to make an attachment of earnings order to secure payments required by the administration order) or to bring to the attention of the court any matter which may make it desirable to review the order.

(2) Without prejudice to section 115 of the Act, any creditor whose debt is scheduled to the order may, with the permission of the court, take proceedings to enforce the order.

(3) The debtor or, with the permission of the court, any such creditor may apply to the court to review the order.

(4) When on a matter being brought to its attention under paragraph (1) the court so directs or the debtor or a creditor applies for the review of an administration order, rule 8 (2) shall apply as if the order were subject to review under that rule.

(5) Nothing in this rule shall require the court officer to fix a day for a review under rule 13A.

## Review by court officer in default of payment

**Rule 13A.**—(1) Where it appears that the debtor is failing to make payments in accordance with the order, the court officer shall (either of [<sup>F116</sup>the court officer's] own initiative or on the application of a creditor whose debt is scheduled to the administration order) send a notice to the debtor—

- (a) informing [<sup>F117</sup>the debtor] of the amounts which are outstanding; and
- (b) requiring [<sup>F118</sup>the debtor] (within 14 days of service of the notice upon [<sup>F118</sup>the debtor]) to
  - (i) make the payments as required by the order; or
  - (ii) explain [<sup>F119</sup>the] reasons for failing to make the payments; and
  - (iii) make a proposal for payment of the amounts outstanding, or
  - (iv) make a request to vary the order.

(2) If the debtor does not comply with paragraph (1)(b) within the time stated, the court officer shall revoke the administration order.

(3) [<sup>F120</sup>If a debtor gives notice under paragraph (1)(b)(ii), (iii) or (iv), the court may—]

- (a) without requiring the attendance of the parties—
  - (i) revoke the administration order or vary it so as to provide for payment of the debts included in the order in full or to such extent and within such a period as appears practicable in the circumstances of the case; or
  - (ii) suspend the operation of the administration order for such time and on such terms as [<sup>F121</sup>it] thinks fit; or
- (b) require the court officer to fix a day for the review of the administration order and to give to the debtor and to every creditor whose debt is scheduled to the administration order not less than 8 days' notice of the day so fixed.

(4) Any party affected by an order made under paragraph (2) or (3)(a) may, within 14 days of service of the order on [<sup>F122</sup>them] and giving [<sup>F123</sup>their] reasons, apply on notice for the [<sup>F124</sup>court] to consider the matter afresh and the court officer shall fix a day for the hearing of the application <sup>F125</sup>... and give to the debtor and to every creditor whose debt is scheduled to the administration order not less than 8 days' notice of the day so fixed.

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

(5) On hearing an application under paragraph (4), the [<sup>F126</sup>court] may confirm the order or set it aside and make such new order as [<sup>F127</sup>it] thinks fit and the order so made shall be entered in the records of the court.

#### Textual Amendments

- F116** Words in Sch. 2 CCR Order 39 rule 13A(1) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(i)(aa)** (with rule 25)
- F117** Words in Sch. 2 CCR Order 39 rule 13A(1)(a) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(i)(bb)** (with rule 25)
- F118** Words in Sch. 2 CCR Order 39 rule 13A(1)(b) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(i)(bb)** (with rule 25)
- F119** Word in Sch. 2 CCR Order 39 rule 13A(1)(b)(ii) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(i)(cc)** (with rule 25)
- F120** Words in Sch. 2 CCR Order 39 rule 13A(3) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(ii)(aa)** (with rule 25)
- F121** Word in Sch. 2 CCR Order 39 rule 13A(3)(a)(ii) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(ii)(bb)** (with rule 25)
- F122** Word in Sch. 2 CCR Order 39 rule 13A(4) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(iii)(aa)** (with rule 25)
- F123** Word in Sch. 2 CCR Order 39 rule 13A(4) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(iii)(bb)** (with rule 25)
- F124** Word in Sch. 2 CCR Order 39 rule 13A(4) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(iii)(cc)** (with rule 25)
- F125** Words in Sch. 2 CCR Order 39 rule 13A(4) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(iii)(dd)** (with rule 25)
- F126** Word in Sch. 2 CCR Order 39 rule 13A(5) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(iv)(aa)** (with rule 25)
- F127** Word in Sch. 2 CCR Order 39 rule 13A(5) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **22(j)(iv)(bb)** (with rule 25)

#### Review of order

**Rule 14.**—(1) On the review of an administration order the court may—

- (a) if satisfied that the debtor is unable from any cause to pay any instalment due under the order, suspend the operation of the order for such time and on such terms as it thinks fit;
- (b) if satisfied that there has been a material change in any relevant circumstances since the order was made, vary any provision of the order made by virtue of section 112 (6) of the Act;
- (c) if satisfied that the debtor has failed without reasonable cause to comply with any provision of the order or that it is otherwise just and expedient to do so, revoke the order, either forthwith or on failure to comply with any condition specified by the court; or
- (d) make an attachment of earnings order to secure the payments required by the administration order or vary or discharge any such attachment of earnings order already made.

(2) The court officer shall send a copy of any order varying or revoking an administration order to the debtor, to every creditor whose debt is scheduled to the administration order and, if the administration order is revoked, to any other court to which a copy of the administration order was sent pursuant to rule 9.

**Discharge of attachment of earnings order**

**Rule 16** On the revocation of an administration order any attachment of earnings order made to secure the payments required by the administration order shall be discharged.

**Declaration of dividends**

**Rule 17.**—(1) The officer having the conduct of an administration order shall from time to time declare dividends and distribute them among the creditors entitled to them.

(2) When a dividend is declared, notice shall be sent by the officer to each of the creditors.

**Creditors to rank equally**

**Rule 18** All creditors scheduled under section 113 (d) of the Act(5) before an administration order is superseded under section 117 (2) of the Act shall rank equally in proportion to the amount of their debts subject to the priority given by the said paragraph (d) to those scheduled as having been creditors before the date of the order, but no payment made to any creditor by way of dividend or otherwise shall be disturbed by reason of any subsequent proof by any creditor under the said paragraph (d).

**Change of debtor’s address**

**Rule 19.**—(1) A debtor who changes <sup>F128</sup>... residence shall forthwith inform the court of [<sup>F129</sup>their] new address.

(2) Where the debtor becomes resident in the district of another court, the court in which the administration order is being conducted may transfer the proceedings to that other court.

**Textual Amendments**

**F128** Word in Sch. 2 CCR Order 39 rule 19(1) omitted (22.4.2014) by virtue of The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, 22(k)(i) (with rule 25)

**F129** Word in Sch. 2 CCR Order 39 rule 19(1) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, 22(k)(ii) (with rule 25)

**CCR ORDER 42**

**PROCEEDINGS BY AND AGAINST THE CROWN**

**Application and interpretation**

<sup>F130</sup>**Rule 1** .....

**Textual Amendments**

**F130** Sch. 2 CCR Order 42 revoked (1.10.2005) by The Civil Procedure (Amendment No.3) Rules 2005 (S.I. 2005/2292), rules 1(c), 55(b)

(5) Section 113 was amended by the Administration of Justice Act 1985 (c. 61), section 67(2), schedule 8, Part II.

*Status: Point in time view as at 01/12/2017.  
Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

**Particulars of claim in claim against the Crown**

<sup>F130</sup>**Rule 4** .....

.....  
**Textual Amendments**  
**F130** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Subsequent procedure in claim**

<sup>F130</sup>**Rule 5** .....

.....  
**Textual Amendments**  
**F130** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Subsequent procedure in fixed date claim**

<sup>F130</sup>**Rule 6** .....

.....  
**Textual Amendments**  
**F130** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Service on the Crown**

<sup>F130</sup>**Rule 7** .....

.....  
**Textual Amendments**  
**F130** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Special provisions regarding orders made by the Court of its own initiative against the Crown**

<sup>F130</sup>**Rule 8** .....

.....  
**Textual Amendments**  
**F130** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Counterclaim in proceedings by or against the Crown**

<sup>F130</sup>**Rule 9** .....

**Textual Amendments**

**F130** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Adjustment of liability under judgment for taxes**

**F130** **Rule 10** .....

**Textual Amendments**

**F130** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Part 20 claim against the Crown where the Crown is not already a party**

**F130** **Rule 11** .....

**Textual Amendments**

**F130** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Disclosure against the Crown**

**F130** **Rule 12** .....

**Textual Amendments**

**F130** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Execution and satisfaction of orders against the Crown**

**F130** **Rule 13** .....

**Textual Amendments**

**F130** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**Attachment of debts etc.**

**F130** **Rule 14** .....

*Status: Point in time view as at 01/12/2017.  
Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

**Textual Amendments**

**F131** Sch. 2 CCR Order 42 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(b)**

**CCR ORDER 43**

**THE LANDLORD AND TENANT ACTS 1927, 1954, 1985 AND 1987**

**Interpretation**

**<sup>F131</sup>Rule 1** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Commencement of proceedings and answer**

**<sup>F131</sup>Rule 2** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Claim for compensation in respect of improvement**

**<sup>F131</sup>Rule 3** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Proceedings under Part I of the Act of 1927**

**<sup>F131</sup>Rule 4** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**



## Proceedings under Part I of the Act of 1954

### <sup>F131</sup>Rule 5 .....

#### Textual Amendments

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

## Application for new tenancy under section 24 of the Act of 1954

### <sup>F131</sup>Rule 6 .....

#### Textual Amendments

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

## Answer to application for new tenancy under section 24 of the Act of 1954

### <sup>F131</sup>Rule 7 .....

#### Textual Amendments

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

## Order dismissing application under section 24 which is successfully opposed

### <sup>F131</sup>Rule 8 .....

#### Textual Amendments

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

## Other applications under Part II of the Act of 1954

### <sup>F131</sup>Rule 9 .....

#### Textual Amendments

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

## Service of order in proceedings under Part II of the Act of 1954

### <sup>F131</sup>Rule 10 .....

*Status: Point in time view as at 01/12/2017.  
Changes to legislation: There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)*

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Proof of determination of rateable value**

<sup>F131</sup>**Rule 11** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Provisions as to assessors**

<sup>F131</sup>**Rule 13** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**District judge’s jurisdiction**

<sup>F131</sup>**Rule 15** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Application under section 12 (2) of the Act of 1985**

<sup>F131</sup>**Rule 16** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Transfer to leasehold valuation tribunal**

<sup>F131</sup>**Rule 16A** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Application under section 19 of the Act of 1987**

**F131** **Rule 17** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Application for order under section 24 of the Act of 1987**

**F131** **Rule 18** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Application for acquisition order under section 29 of the Act of 1987**

**F131** **Rule 19** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Application for order under section 38 or section 40 of the Act of 1987**

**F131** **Rule 20** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Service of documents in proceedings under the Act of 1987**

**F131** **Rule 21** .....

**Status:** Point in time view as at 01/12/2017.  
**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001](#) (S.I. 2001/256), rule 1(d), **Sch. 3**

**Tenants' associations**

**F131** **Rule 22** .....

**Textual Amendments**

**F131** Sch. 2 CCR Order 43 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001](#) (S.I. 2001/256), rule 1(d), **Sch. 3**

**CCR ORDER 44**

**THE AGRICULTURAL HOLDINGS ACT 1986**

**Order to arbitrator to state case**

**F132** **Rule 1** .....

**Textual Amendments**

**F132** Sch. 2 CCR Order 44 rules 1-3 revoked (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006](#) (S.I. 2006/2805), art. 1(1)(b), **Sch. 3** (with art. 10)

**Special case stated by arbitrator**

**F132** **Rule 2** .....

**Textual Amendments**

**F132** Sch. 2 CCR Order 44 rules 1-3 revoked (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006](#) (S.I. 2006/2805), art. 1(1)(b), **Sch. 3** (with art. 10)

**Removal of arbitrator or setting aside award**

**F132** **Rule 3** .....

**Textual Amendments**

**F132** Sch. 2 CCR Order 44 rules 1-3 revoked (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006](#) (S.I. 2006/2805), art. 1(1)(b), **Sch. 3** (with art. 10)

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

**Enforcement of order imposing penalty**

**Rule 4.**—(1) When taking any proceedings for the enforcement in [<sup>F133</sup>the County Court] of an order under section 27 of the Agricultural Holdings Act 1986, the party in whose favour the order was made shall file—

- (a) a certified copy of the order; and
- (b) a certificate specifying the amount due under the order and stating whether any previous proceedings have been taken for its enforcement and, if so, the nature of the proceedings and their result.

(2) Where it is desired to enforce the order by warrant of [<sup>F134</sup>control], the proceedings may be taken in [<sup>F135</sup>the County Court hearing centre serving the address where] execution is to be levied.

**Textual Amendments**

**F133** Words in Sch. 2 CCR Order 44 substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **rule 3(a)(i)** (with rule 25)

**F134** Word in Sch. 2 CCR Order 44 rule 4(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **23(a)** (with rule 25)

**F135** Words in Sch. 2 CCR Order 44 rule 4(2) substituted (22.4.2014) by [The Civil Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/867\)](#), rules 1, **23(b)** (with rule 25)

**CCR ORDER 45**

**THE REPRESENTATION OF THE PEOPLE ACT 1983**

**Application for detailed assessment of returning officer’s account**

<sup>F136</sup><sup>F137</sup>**Rule 1** .....

**Textual Amendments**

**F136** Sch. 2 CCR Order 45 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(d)**

**F137** Sch. 2 CCR Order 45 rule 1 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(f)**

**Appeal from decision of registration officer**

**Rule 2** <sup>F136</sup> .....

**Textual Amendments**

**F136** Sch. 2 CCR Order 45 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(d)**

**Selected appeals**

<sup>F136</sup>**Rule 3** .....

**Status:** Point in time view as at 01/12/2017.  
**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

**Textual Amendments**  
**F136** Sch. 2 CCR Order 45 revoked (1.10.2007) by [The Civil Procedure \(Amendment\) Rules 2007 \(S.I. 2007/2204\)](#), rules 1, **20(d)**

**F138** CCR ORDER 46  
THE LEGITIMACY ACT 1976

**Textual Amendments**  
**F138** Sch. 2 CCR Order 46 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(g)**

**Manner of application**

**F138** Rule 1 .....

**Preliminary consideration and service**

**F138** Rule 2 .....

**Answer**

**F138** Rule 3 .....

**F139** CCR ORDER 47  
DOMESTIC AND MATRIMONIAL PROCEEDINGS

**Textual Amendments**  
**F139** Sch. 2 CCR Order 47 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(f)**

**Family Law Reform Act 1969**

**F139** Rule 5 .....

## **F<sup>140</sup>CCR ORDER 48B**

### **[<sup>F141</sup>Enforcement of traffic penalties]**

#### **Textual Amendments**

**F140** Sch. 2 CCR Order 48B revoked (1.10.2002) by [The Civil Procedure \(Amendment\) Rules 2002 \(S.I. 2002/2058\)](#), rules 1(a), **35**

**F141** Sch. 2 CCR Order 48B heading substituted (1.6.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(a), **17(a)**

#### **Application and interpretation**

**F<sup>140</sup>Rule 1** .....

#### **Establishment of the [<sup>F142</sup>traffic enforcement centre]**

**F<sup>140</sup>Rule 1A** .....

#### **Textual Amendments**

**F142** Words in Sch. 2 CCR Order 48B substituted (1.6.2001) by [The Civil Procedure \(Amendment No. 2\) Rules 2001 \(S.I. 2001/1388\)](#), rules 1(a), **17(b)**

#### **Requests for orders**

**F<sup>140</sup>Rule 2** .....

#### **Documents**

**F<sup>140</sup>Rule 3** .....

#### **Functions of court officer**

**F<sup>140</sup>Rule 4** .....

#### **Enforcement of orders**

**F<sup>140</sup>Rule 5** .....

## **CCR ORDER 48D**

### **ENFORCEMENT OF FIXED PENALTIES UNDER THE ROAD TRAFFIC (VEHICLE EMISSIONS) (FIXED PENALTY) REGULATIONS 1997**

#### **Application and interpretation**

**F<sup>143</sup>1.** .....

**Status:** Point in time view as at 01/12/2017.  
**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

.....  
**Textual Amendments**  
F143 Sch. 2 CCR Order 48D revoked (6.10.2003) by The Civil Procedure (Amendment No. 4) Rules 2003 (S.I. 2003/2113), rules 1(c), 19(c)

**The traffic enforcement centre**

F143 2. ....

.....  
**Textual Amendments**  
F143 Sch. 2 CCR Order 48D revoked (6.10.2003) by The Civil Procedure (Amendment No. 4) Rules 2003 (S.I. 2003/2113), rules 1(c), 19(c)

**Requests for Orders and Warrants of Execution**

F143 3. ....

.....  
**Textual Amendments**  
F143 Sch. 2 CCR Order 48D revoked (6.10.2003) by The Civil Procedure (Amendment No. 4) Rules 2003 (S.I. 2003/2113), rules 1(c), 19(c)

**Documents**

F143 4. ....

.....  
**Textual Amendments**  
F143 Sch. 2 CCR Order 48D revoked (6.10.2003) by The Civil Procedure (Amendment No. 4) Rules 2003 (S.I. 2003/2113), rules 1(c), 19(c)

**Enforcement of Orders**

F143 5. ....

.....  
**Textual Amendments**  
F143 Sch. 2 CCR Order 48D revoked (6.10.2003) by The Civil Procedure (Amendment No. 4) Rules 2003 (S.I. 2003/2113), rules 1(c), 19(c)



## CCR ORDER 49

### MISCELLANEOUS STATUTES

#### Access to Neighbouring Land Act 1992(6)

<sup>F144</sup>**Rule 1** .....

##### Textual Amendments

**F144** Sch. 2 CCR Order 49 rule 1 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

#### Administration of Justice Act 1970(7)

<sup>F145</sup>**Rule 1A** .....

##### Textual Amendments

**F145** Sch. 2 CCR Order 49 rule 1A revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

#### Chancel Repairs Act 1932(8)

<sup>F146</sup>**Rule 2** .....

##### Textual Amendments

**F146** Sch. 2 CCR Order 49 rule 2 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

#### Consumer Credit Act 1974(9)

<sup>F147</sup>**Rule 4** .....

##### Textual Amendments

**F147** Sch. 2 CCR Order 49 rule 4 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), [Sch. 3](#)

#### Applications under section 114, 204 and 231 of the Copyright, Designs and Patents Act 1988

<sup>F148</sup>**Rule 4A** .....

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(6) [1992 c. 23.](#)  
(7) [1970 c. 31.](#)  
(8) [1932 c. 20.](#)  
(9) [1974 c. 39.](#)

**Status:** Point in time view as at 01/12/2017.  
**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

**Textual Amendments**

**F148** Sch. 2 CCR Order 49 rule 4A revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(d)**

**Fair Trading Act 1973**

<sup>F149</sup>**Rule 5** .....

**Textual Amendments**

**F149** Sch. 2 CCR Order 49 rule 5 revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(d)**

**Housing Act 1988: assured tenancies**

<sup>F150</sup>**Rule 6** .....

**Textual Amendments**

**F150** Sch. 2 CCR Order 49 rule 6 revoked (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rules 1, **27**

**Housing Act 1988: assured shorthold tenancies**

<sup>F151</sup>**Rule 6A** .....

**Textual Amendments**

**F151** Sch. 2 CCR Order 49 rule 6A revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

**Housing Act 1996: injunctions** <sup>F152</sup>...

<sup>F153</sup>**Rule 6B** .....

**Textual Amendments**

**F152** Words in Sch. 2 CCR Order 49 rule 6B heading omitted (15.10.2001) by [The Civil Procedure \(Amendment No. 4\) Rules 2001 \(S.I. 2001/2792\)](#), rules 1(b), **23(a)** (with rule 24)

**F153** Sch. 2 CCR Order 49 rule 6B revoked (30.6.2004) by [The Civil Procedure \(Amendment\) Rules 2004 \(S.I. 2004/1306\)](#), rules 1(b), **21(d)** (with rule 20(2)(b))

**Injunctions to prevent environmental harm: Town and Country Planning Act 1990 etc.**

<sup>F154</sup>**Rule 7** .....

**Textual Amendments**

**F154** Sch. 2 CCR Order 49 rule 7 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006](#) (S.I. 2006/3435), rules 1, **15(h)**

**Leasehold Reform Act 1967(10)**

<sup>F155</sup>**Rule 8** .....

**Textual Amendments**

**F155** Sch. 2 CCR Order 49 rule 8 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001](#) (S.I. 2001/256), rule 1(d), **Sch. 3**

**Leasehold Reform, Housing and Urban Development Act 1993(11)**

<sup>F156</sup>**Rule 9** .....

**Textual Amendments**

**F156** Sch. 2 CCR Order 49 rule 9 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001](#) (S.I. 2001/256), rule 1(d), **Sch. 3**

**Local Government Finance Act 1982(12)**

<sup>F157</sup>**Rule 10** .....

**Textual Amendments**

**F157** Sch. 2 CCR Order 49 rule 10 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000](#) (S.I. 2000/221), rule 1(b), **Sch. 8** (with rule 39(b)) (as amended by S.I. 2000/940, rules 1, 2)

**Local Government (Miscellaneous Provisions) Act 1976(13)**

<sup>F158</sup>**Rule 11** .....

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- (10) **1967 c. 88**; section 11 was amended by the [Rentcharges Act 1977 \(c. \)](#), section 17(2), schedule 2. Section 21 was amended by the [Housing Act 1980 \(c. 51\)](#), sections 142, 152, schedule 22, Part II, paragraph 8, schedule 26; by the [County Courts Act 1984 \(c. 28\)](#), section 148(1), schedule 2, Part V, paragraph 31; by the [Leasehold Reform, Housing and Urban Development Act 1993 \(c. 28\)](#), section 187(1), schedule 21, paragraph 4; and by the [Housing Act 1996 \(c. 52\)](#), sections 115, 116, schedule 11, paragraph 1(2).
  - (11) **1993 c. 28**; section 26 was amended by the [Housing Act 1996 \(c. 52\)](#).
  - (12) **1982 c. 32**; sections 19 and 20 were amended by the [National Health Service and Community Care Act 1990 \(c. 19\)](#), section 20, schedule 4, paragraphs 9 and 10; by the [Education Reform Act 1988 \(c. 40\)](#), section 237(2), schedule 13, Part I; by the [Police and Magistrates' Courts Act 1994 \(c. 29\)](#), section 43, schedule 4, Part I, paragraphs 26 and 27; by the [Police Act 1996 \(c. 16\)](#), section 103(1), schedule 7, Part 1, paragraph 1, and by the [Police Act 1997 \(c. 50\)](#), section 88, schedule 6, paragraphs 19 and 21; and by [S.I. 1991/724](#) and [1996/3141](#).
  - (13) **1976 c. 57**; section 23 was amended by [S.I. 1996/3071](#). Section 35 was amended by the [Local Government Act 1985 \(c. 51\)](#), section 102(2), schedule 17 and by [S.I. 1996/3071](#).

**Status:** Point in time view as at 01/12/2017.  
**Changes to legislation:** There are currently no known outstanding effects for the  
The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

**Textual Amendments**

**F158** Sch. 2 CCR Order 49 rule 11 revoked (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), **Sch. 8** (with [rule 39\(b\)](#)) (as amended by S.I. 2000/940, rules 1, 2)

**Mental Health Act 1983(14)**

<sup>F159</sup>**Rule 12** .....

**Textual Amendments**

**F159** Sch. 2 CCR Order 49 rule 12 revoked (6.4.2007) by [The Civil Procedure \(Amendment No.3\) Rules 2006 \(S.I. 2006/3435\)](#), rules 1, **15(h)**

**Mobile Homes Act 1983(15)**

<sup>F160</sup>**Rule 13** .....

**Textual Amendments**

**F160** Sch. 2 CCR Order 49 rule 13 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

[<sup>F161</sup>**Postal Services Act 2000**]

<sup>F162</sup>**Rule 15** .....

**Textual Amendments**

**F161** Sch. 2 CCR Order 49 rule 15 heading substituted (26.3.2001) by [The Postal Services Act 2000 \(Consequential Modifications No. 1\) Order 2001 \(S.I. 2001/1149\)](#), art. 1(2), **Sch. 1 para. 123(3)(a)**

**F162** Sch. 2 CCR Order 49 rule 15 revoked (1.10.2005) by [The Civil Procedure \(Amendment No.3\) Rules 2005 \(S.I. 2005/2292\)](#), rules 1(c), **55(c)**

**Rentcharges Act 1977(16)**

<sup>F163</sup>**Rule 16** .....

**Textual Amendments**

**F163** Sch. 2 CCR Order 49 rule 16 revoked (15.10.2001) by [The Civil Procedure \(Amendment\) Rules 2001 \(S.I. 2001/256\)](#), rule 1(d), **Sch. 3**

(14) [1983 c. 20](#); section 145(1) was amended by the [Health Authorities Act 1995 \(c. 17\)](#), section 2(1), schedule 1, Part III, paragraph 107; by the [National Health Service and Community Care Act 1990 \(c. 19\)](#), section 66(1), schedule 9, paragraph 24(9); and by the [Mental Health \(Amendment\) Act 1994 \(c. 6\)](#), section 1.

(15) [1983 c. 34](#).

(16) [1977 c. 30](#).

**[<sup>F164</sup>Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995 and Disability Rights Commission Act 1999]**

**<sup>F165</sup>Rule 17** .....

**Textual Amendments**

**F164** Sch. 2 CCR Order 49 rule 17 heading substituted (3.7.2000) by [The Civil Procedure \(Amendment No. 3\) Rules 2000 \(S.I. 2000/1317\)](#), rules 1, **38(a)** (with rule 39)

**F165** Sch. 2 CCR Order 49 rule 17 revoked (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), rules 1, **12(g)**

**Solicitors Act 1974(17)**

**<sup>F166</sup>Rule 18** .....

**Textual Amendments**

**F166** Sch. 2 CCR Order 49 rule 18 omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, **73(f)**

**Telecommunications Act 1984(18)**

**Rule 18A.**—(1) CPR Rule 35.15 applies to proceedings under paragraph 5 of Schedule 2 to the Telecommunications Act 1984.

**Applications under section 19 of the Trade Marks Act 1994**

**<sup>F167</sup>Rule 18B** .....

**Textual Amendments**

**F167** Sch. 2 CCR Order 49 rule 18B revoked (6.10.2003) by [The Civil Procedure \(Amendment No. 4\) Rules 2003 \(S.I. 2003/2113\)](#), rules 1(c), **19(d)**

**Trade Union and Labour Relations Consolidation Act 1992(19)**

**Rule 19.**—(1) Where a complainant desires to have an order of the Certification Officer under section 82 of the Trade Union and Labour Relations Consolidation Act 1992 recorded in the [<sup>F168</sup>County Court], [<sup>F169</sup>the complainant] shall produce the order and a copy thereof to the [<sup>F170</sup>County Court hearing centre which serves the address where the complainant] resides or the head or main office of the trade union is situate.

(2) The order shall be recorded by filing it, and the copy shall be sealed and dated and returned to the complainant.

(3) The sealed copy shall be treated as if it were the notice of issue in a claim begun by the complainant.

(17) [1974 c. 47.](#)

(18) [1984 c. 12.](#)

(19) [1992 c. 52.](#)

**Status:** Point in time view as at 01/12/2017.

**Changes to legislation:** There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 2. (See end of Document for details)

(4) The costs, if any, allowed for recording the order shall be recoverable as if they were payable under the order.

(5) The order shall not be enforced until proof is given to the satisfaction of the court that the order has not been obeyed and, if the order is for payment of money, of the amount remaining unpaid.

**Textual Amendments**

**F168** Words in Sch. 2 CCR Order 49 substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **3(a)(ii)** (with rule 25)

**F169** Words in Sch. 2 CCR Order 49 rule 19(1) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **24(a)** (with rule 25)

**F170** Words in Sch. 2 CCR Order 49 rule 19(1) substituted (22.4.2014) by The Civil Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/867), rules 1, **24(b)** (with rule 25)

**Trustee Act 1925, s.63(20)**

<sup>F171</sup>**Rule 20** .....

**Textual Amendments**

**F171** Sch. 2 CCR Order 49 rule 20 revoked (2.12.2002) by The Civil Procedure (Amendment) Rules 2002 (S.I. 2002/2058), rule 1(b), **Sch. 10**

(20) 1925 c. 19; section 63 was amended by the Administration of Justice Act 1965 (c. 2), section 36(4), schedule 3.

**Status:**

Point in time view as at 01/12/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, SCHEDULE 2.